

FILED

MAR 12 2025

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
By DEPUTY CLERK

1 MR. ERIC VALENCIA # 167613

2 MADERA COUNTY JAIL

3 195 TOZER ST.

4 MADERA, CA. 93638

5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 ERIC VALENCIA,
10 PLAINTIFF,

11
12 vs.

13 VILLALOBOS, et al.,
14 DEFENDANTS.

CASE NO.: 1:25-CV-00097-HBK
PLAINTIFFS NOTICE TO STAND ON HIS
CURRENT COMPLAINT AND PROCEED
ONLY ON HIS FIRST AMENDMENT
RETALIATION CLAIM AGAINST DEFENDANT
VILLALOBOS AND SUPERVISORY LIABILITY
CLAIM AGAINST DEFENDANT MENDOZA,
THEREBY VOLUNTARILY DISMISSING
DEFENDANTS MADERA COUNTY, POGUE, AND
SEABORN AND ANY OTHER CLAIMS THE
COURT DEEMS NOT COGNIZABLE

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21 INTRODUCTION

22 PLAINTIFF ERIC VALENCIA, A PRETRIAL DETAINEE AT THE
23 MADERA COUNTY JAIL, BRINGING THIS CIVIL RIGHTS ACTION UNDER
24 42 U.S.C. § 1983 AGAINST DEFENDANTS MADERA COUNTY, TYSON POGUE,
25 LT. SEABORN, SGT. MENDOZA, AND C/O VILLALOBOS. PLAINTIFF ALLEGES
26 VIOLATIONS OF HIS FIRST AND FOURTEENTH AMENDMENT RIGHTS,
27 INCLUDING RETALIATION, FAILURE TO PROTECT, SUPERVISORY LIABILITY, AND
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1 DELIBERATE INDIFFERENCE.

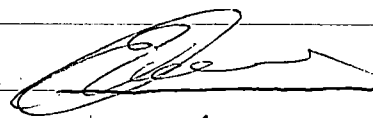
2 LIBERALLY CONSTRUING THE COMPLAINT AND ACCEPTING THE
3 ALLEGATIONS AS TRUE, THE COURT FINDS THE COMPLAINT SUFFICIENT
4 TO STATE A FIRST AMENDMENT RETALIATION CLAIM AGAINST
5 DEFENDANT VILLALOBOS AND A BASIS FOR SUPERVISORY
6 LIABILITY AGAINST DEFENDANT MENDOZA.

7 ON MARCH 3, 2025, THE COURT, ORDERED THE
8 PLAINTIFF TO ELECT ONE OF THE FOLLOWING THREE
9 OPTIONS NO LATER THAN APRIL 2, 2025, IN ORDER TO
10 CONTINUE THE PROSECUTION OF THIS ACTION.

11 PLAINTIFF STATES THAT HE CHOOSES TO STAND ON
12 THE COMPLAINT AS SCREENED AND TO PROCEED ONLY
13 ON THOSE CLAIMS THE COURT DEEMS COGNIZABLE,
14 EFFECTIVELY DISMISSING DEFENDANTS MADERA COUNTY,
15 POGUE, AND SEABORN AND THE CLAIMS DEEMED NOT
16 COGNIZABLE WITHOUT PREJUDICE UNDER FEDERAL RULE OF
17 CIVIL PROCEDURE 41(a)(1) AND RULE 15

18 FOR THE FOREGOING REASONS, PLAINTIFF RESPECTFULLY
19 REQUEST THE COURT TO ORDER SERVICE ON DEFENDANTS
20 VILLALOBOS AND SGT. MENDOZA, AND DIRECT DEFENDANTS TO
21 RESPOND TO THE COMPLAINT.

22
23 DATE: 3/9/25


24 ERIC VALENCIA #167613
25 MADERA COUNTY JAIL
26 195 TOZER ST.
27 MADERA, CA. 93638
28

DECLARATION OF SERVICE

I, ERIC VALENCIA, HEREBY STATE: I HAVE SERVED A TRUE AND CORRECT COPY OF THE FOLLOWING:

PLAINTIFF'S NOTICE TO STAND ON HIS CURRENT COMPLAINT AND PROCEED ON CLAIMS

UPON THE COURT, BY PLACING SAME IN A SEALED, POSTAGE PAID ENVELOPE, PROPERLY ADDRESSED TO:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

2500 TULARE STREET, ROOM 1501
FRESNO, CA. 93721

SWORN AND EXECUTED BY THE UNDERSIGNED ON 9TH
DAY OF MARCH, 2025, AT MADERA, CA. 93638



DECLARANT

ERIC VALENCIA #167613

MADERA COUNTY JAIL

195 TOZER ST.

MADERA, CA. 93638